

Serial No.: 10/027,134
Group Art Unit: 3739
Examiner: A. Roane
Atty. Docket No.: 102863-17

REMARKS


Claims 1-4, 6-13, 15, and 16 are pending and stand rejected. Applicants filed a Notice of Appeal on October 25, 2005. An Appeal Brief has not yet been filed. Applicants submit the amendments herein in an effort to place the claims in better form for consideration on appeal, and therefore entry of the amendments is respectfully requested.

In the final Office Action dated July 25, 2005, the Examiner indicated that Applicants language reciting "a substantially circular shape" is not sufficient to distinguish over Tetzlaff. The Examiner suggested that Applicant amend the independent claims to clarify that the *cross-sectional* shape is circular. Accordingly, Applicants amend independent claims 1 and 13 to delete the phrase "with a substantially circular shape," and to recite that at least a portion of a cross-sectional shape of the tissue-contacting conductive element is circular. Support for this can be found throughout the specification and in the drawings, for example in paragraphs 0043 and 0044 of the published application. No new matter is added.

Applicants submit that claims 1-4, 6-13, and 15-16, as amended, are in condition for allowance and allowance thereof is respectfully requested. Applicants encourage the Examiner to telephone the undersigned in the event that such communication might expedite prosecution of this matter.

Respectfully submitted,

Date: December 21, 2005



Lisa Adams, Reg. No. 44,238
Attorney for Applicants

NUTTER, MCCLENNEN & FISH, LLP
World Trade Center West
155 Seaport Boulevard
Boston, MA 02210
Tel: (617)439-2550
Fax: (617)310-9550

1490718.1